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Fourth part
Geneva, 28 March 1996

REPORT ON THE FOURTH PART OF THE INTERNATIONAL NATURAL RUBBER CONFERENCE, 1994*

Introduction

1. At its seventh plenary meeting, held on 17 February 1995, the Conference adopted the International Natural Rubber Agreement, 1995. 1/ The Agreement had been opened for signature at the United Nations Headquarters from 3 April 1995 to 28 December 1995, inclusive, by Governments invited to the United Nations Conference on Natural Rubber, 1994. As a number of countries were unable to sign the Agreement in time, owing to administrative delays, the Executive Director of the International Natural Rubber Organization, after carrying out consultations with the Chairman and members of the International Natural Rubber Council, 1987, had addressed a letter to the Secretary-General of UNCTAD conveying the wish of the members of the International Natural Rubber Agreement, 1987 to convene a fourth part of the United Nations Conference on Natural Rubber for one day as early as possible for the sole purpose of modifying the period of signature as contained in Article 57 of the International Natural Rubber Agreement, 1995. 2/

Action by the Conference

2. At its eighth plenary meeting, held on 28 March, 1996, the Conference agreed to establish an Executive Committee of the Conference to consider, inter alia, item 4, "Consideration of the possible extension of the period of signature in article 57 of the International Natural Rubber Agreement, 1995".

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* Prepared by Mr. Peter Lai, President of the Conference.

3. During the meeting of the Executive Committee held on 28 March 1996, the President introduced a draft resolution entitled "Consideration of the possible extension of the period of signature in article 57 of the International Natural Rubber Agreement, 1995" contained in document TD/RUBBER.3/L.2. He stated that, in paragraph 1 of the draft resolution, the words "31 July 1996" should be inserted after the words "can be signed until". He added that the contents of this draft resolution were the result of informal consultations.

4. At the same meeting the representative of Japan indicated that his country had already finalized all procedures relating to the submission of the new Agreement to the Japanese Parliament, which had approved the Agreement. If the measure being considered required amendment to the Agreement, it would be very difficult for his Government to resubmit the Agreement to the Parliament and to receive its approval. Japan thus could not go along with such a measure. He requested that when the Conference considered a measure to extend the period of signature, his delegation wished the meeting to confirm that this measure did not require amendment of the Agreement. His Government considered that the measure to be taken by the Conference was a very exceptional case and that it should not be repeated. He added that major importing countries which had not signed the Agreement should finalize their procedures as soon as possible, so that the Agreement would enter into force at an early date.

5. The President stated that he was aware that the Japanese Government had submitted the Agreement to the Japanese Parliament and that he understood the concern of the Japanese delegation. He said that, following the required legal advise by the United Nations, the Conference was not amending the Agreement but merely taking a decision to the effect that the International Natural Rubber Agreement, 1995 can be signed until 31 July 1996 as stated in the draft resolution. Furthermore, he agreed that this decision should not create a precedent. He joined the delegation of Japan with the plea for important countries which had not signed the Agreement to do so.

6. Following a statement by the representative of France, the President suggested to delete the words "in accordance with articles 57, 59 and 60" in paragraph 3 of the draft resolution. The representative of the United States of America stated that his delegation accepted this proposal.

7. On 28 March 1996, following the adjournment of the Executive Committee, the President reconvened the eighth plenary meeting of the Conference and re-introduced the draft resolution entitled "Consideration of the possible extension of the period of signature in article 57 of the International Natural Rubber Agreement, 1995" (TD/RUBBER.3/L.2) with the following revisions incorporated on the basis of the deliberations of the Executive Committee:

(i) Insertion of "31 July 1996" after the words "can be signed until" in paragraph 1;

(ii) Deletion of the words "in accordance with articles 57, 59 and 60" in paragraph 3.

8. At the same meeting, the Conference adopted unanimously the draft resolution in TD/RUBBER.3/L.2 as revised. 3/ Following a statement by the

representative of Spain, who requested a correction in the Spanish version of the resolution, and by the representative of Indonesia, who requested that the secretariat make known to the members of the International Natural Rubber Organization the contents of the resolution, the President of the Conference, in closing the fourth part of the United Nations Conference on Natural Rubber, 1994, invited Governments which have not done so to sign the International Natural Rubber Agreement, 1995. He added that the natural rubber industry was looking forward to seeing Governments take appropriate action and trusted that this would be done as soon as possible. 4/

Organizational Matters

Adoption of the agenda

9. At its eighth plenary meeting, held on 28 March 1996, the Conference adopted the revised agenda contained in TD/RUBBER.3/12.

Election of Officers

10. At the same meeting, the Conference elected Mr. George C. Penders (Netherlands) and Ambassador Bernard A.B. Goonetilleke (Sri Lanka), as Vice-Presidents of the Conference in view of the fact that Mr. Petipong Pungbun Na Ayudhya (Thailand) and Mr. Walter Bastiaanse (Netherlands) were unable to participate in the fourth session of the Conference. 5/

Credentials

11. At the same meeting, the Conference approved the draft report of the Credentials Committee (TD/RUBBER.3/9) which examined the credentials of 10 representatives who had not participated in either the first, second or the third part of the Conference as representatives, and found them to be in good and due form. The Committee was chaired by Mr. Djismun Kasri (Indonesia) in the absence of Mr. Wardana (Indonesia).

Notes

1/ TD/RUBBER.3/11/Rev.1

2/ TD/RUBBER.3/13

3/ For the text of the resolution see the annex.

4/ For the status of signatures, provisional applications, ratifications, acceptances and approvals of the International Natural Rubber Agreement, 1995, see TD/RUBBER.3/14.

5/ For the composition of the Bureau of the Conference at its previous parts, see TD/RUBBER.3/11/Rev.1.

Annex

Resolution adopted by the Conference

The United Nations Conference on Natural Rubber, 1994

Having met in Geneva from 5 to 15 April 1994, 3 to 14 October 1994, 6 to 17 February 1995 and on 28 March 1996,

Having concluded the International Natural Rubber Agreement, 1995 on 17 February 1995,

Noting with satisfaction that a number of Governments have signed the Agreement and that certain Governments have made a notification of provisional application or have deposited an instrument of acceptance,

Noting that the Agreement is no longer open for signature in accordance with article 57,

Conscious that the Agreement cannot enter into force in accordance with article 61, paragraph 1 or 2, unless the signature period in article 57 is extended,

Noting with appreciation the statements made by certain Governments indicating their wish to sign the Agreement if this were made possible,

Desirous of bringing the Agreement into force at an early date,

1. Decides that the International Natural Rubber Agreement, 1995 can be signed until 31 July 1996 inclusive and requests the depositary of the Agreement to receive signatures until that date;

2. Requests the President of the Conference to forward this resolution to the Secretary-General of the United Nations who is the depositary of the Agreement;

3. Invites those Governments that have not already done so, to take the appropriate action in order to bring the Agreement into force as soon as possible and before 1 January 1997;

4. Requests the Secretary-General of the United Nations to bring this resolution to the attention of the Governments invited to the United Nations Conference on Natural Rubber, 1994.